



JUL 09 2004 PATENT

ATTORNEY DOCKET NO. 01997/198006

EX-1600/2900

Certificate of Mailing: Date of Deposit: October 6, 2003

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alma Woodberry

Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al. Art Unit: 1632
Serial No.: 08/984,178 Examiner: Ram Shukla
Filed: December 3, 1997
Title: CLONING SEQUENCING AND CHARACTERIZATION OF TWO
CELL DEATH GENES AND USES THEREFOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GUY E. BEARDSLEY

I, Guy E. Beardsley, declare as follows:

1. I am a Practice Systems Specialist in the law firm of Clark & Elbing LLP. One of my responsibilities in this position is to ensure that all replies to U.S. Patent and Trademark communications are timely filed.

2. All mail sent from the Patent and Trademark Office to any attorney or patent agent at Clark & Elbing LLP is opened, date stamped, and docketed centrally before it is sent to the attorney or patent agent. On July 1, 2003, I printed out a docket record that included all the replies having a final deadline of July 2, 2003. I have reviewed Clark & Elbing LLP's computerized docketing records and find that no reply to a Notice of

Allowance was docketed for July 2, 2003.

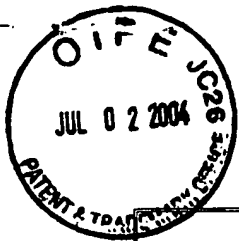
3. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: October 6, 2003

Guy E. Beardsley
Guy E. Beardsley

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



JUL 09 2004

PATENT

ATTORNEY DOCKET NO. 01997/198006

Certificate of Mailing: Date of Deposit: October 6, 2003

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alma Woodberry

Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al. Art Unit: 1632
Serial No.: 08/984,178 Examiner: Ram Shukla
Filed: December 3, 1997
Title: CLONING SEQUENCING AND CHARACTERIZATION OF TWO
CELL DEATH GENES AND USES THEREFOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF KRISTINA BIEKER-BRADY, PH.D.

I, Kristina Bieker-Brady, declare as follows:

1. I am a partner in the law firm of Clark & Elbing LLP and an attorney of record in the above-captioned case.
2. I first became aware of the abandonment of the above-captioned application on August 11, 2003, upon receipt of a Notice of Abandonment for failure to pay the issue fee. I submit that the accompanying petition to withdraw the Notice is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).
3. All mail sent from the Patent and Trademark Office to any attorney or patent agent at Clark & Elbing LLP is opened, date stamped, and docketed centrally before it is

sent to the attorney or patent agent. A review of Clark & Elbing's computerized docketing records and the file jacket indicates that the Notice of Allowance was never received. A redacted copy of the docket record showing all replies docketed for July 2, 2003, where the nonreceived Office communication would have been entered had it been received and docketed, is submitted herewith as documentary proof of nonreceipt of the Notice of Allowance.

4. On August 21, 2003, in a telephone conference with Examiner Shukla, applicants requested copies of the Notice of Allowance and Notice of Allowability, which were received on August 25, 2003. A review of these documents showed that they were mailed to the incorrect mailing address. Applicants note that the Office was promptly notified of a change in correspondence address in a Preliminary Amendment filed on August 23, 2002. In the Preliminary Amendment, applicants called attention to the fact that a change of address was being made and requested that all future correspondence be mailed to a new correspondence address. A copy of the Preliminary Amendment is submitted herewith.

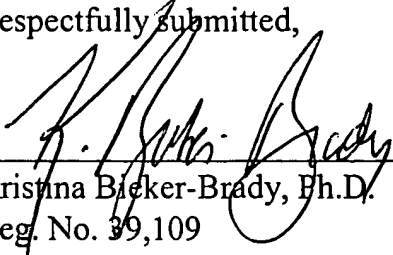
5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application

or any patents issued thereon.

Respectfully submitted,

Date:

October 6, 2003



Kristina Becker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

Docket Record for July 2, 2003

Page: 1

Due Date List by Client

Tuesday, September 23, 2003

#Name? #Name?

Client: 00246

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Base Date/	Bill Att	Super Att	Atty(s)	Date Type	
00246	US 2 POSTCARD	02-Jun-2003	PTC	KBB	MJB	02-Jul-2003	02-Oct-2003
		RULE 53 D CPA CONTINUATION					
		[REDACTED]					

Met on: _____
 Extend to _____
 By: _____

Title: [REDACTED]

Matter Name:

Comments:

Due Date List by Client

Tuesday, September 23, 2003

Client: 00398

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Att'y	Super Att'y			
00398	CA 2 REPLY	02-Apr-2003	KLE	KLE	JXT 02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV					Reminder

Met on:	_____
Extend to	_____
By:	_____

Title:

Matter Name:

Comments:

Client: 00742

#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Final	Action Taken
00742	IN 1 ANNUITY PAYMENT	27-Mar-2003	KBB	KBB	MHE	02-Jul-2003	Final		
		CPI TAX MAINTENANCE REVIEW	KBB	KBB					

Title:

Matter Name:

Comments:

Met on: _____

Extend to _____

By: _____

Tuesday, September 23, 2003

Due Date List by Client

Page: 5

Client: 00786 Massachusetts General Hospital

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	ANNUIITY				
00786-0001	CA 1 INSTRUCTIONS TO CPI	06-Jan-2003		KLE	02-Jul-2003		Met on: _____ Extend to _____ By: _____

Title:

Matter Name:

Comments:

00786-0002	US 2 REPLY 1M EXT	02-May-2003		KLE	02-Jul-2003		Met on: _____ Extend to _____ By: _____
------------	-------------------	-------------	--	-----	-------------	--	---

Title: METHOD FOR CLONING SIGNAL TRANSDUCTION INTERMEDIATES

Matter Name:

Comments:

00786-0003	US 1 11M FAX	02-Aug-2002		KLE	02-Jul-2003		Met on: _____ Extend to _____ By: _____
------------	--------------	-------------	--	-----	-------------	--	---


Title:

Matter Name:

Comments:


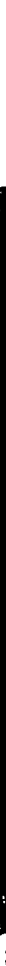
Client: 01948 Beth Israel Deaconess Medical

#Name? #Name?

Matter Number	Reason for Date	Action Type			Other	Due Date/	Final	Action Taken
		Action Base Date/	Bill Atty	Super Atty	Atty(s)	Date Type	Deadline	
01948- 	EP 2 REPLY RE HONG KONG	07-Mar-2003	KBB	KBB	KH	02-Jul-2003		Met on: _____
		ASSOCIATE'S LETTER (SUBSTANTIV KBB					Reminder	Extend to _____
								By: _____


Matter Name:

Comments:

01948- 	CA 1	Formal drawings	01-Apr-2002	KBB	KBB	MHE	02-Jul-2003	
ASSOCIATE'S LETTER (FORMALITIE KBB Final								
Title: 								
								Met on: _____
								Extend to _____
								By: _____

Matter Name:

Comments:

01948- 	CA 1	PREPARATION OF ABSTRACT	03-Apr-2002	KBB	KBB	MHE	02-Jul-2003	
			ASSOCIATE'S LETTER (SUBSTANTIV					
			KBB					Final

Matter Name:

Comments:

Due Date List by Client

#Name?

#Name?

Client: 01997 Massachusetts Institute of Tec

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action Base Date/	Bill Atty	Super Atty	Atty(s) Date Type	Deadline	
01997	US 2 Foreign Filing Reminder	02-Jan-2003	KBB	KBB	MHE 02-Jul-2003		
		Foreign Filing			MHE Reminder		

Title:

Matter Name:

Comments:

Met on:



Extend to



By:

Due Date List by Client

Client: 06727 Atlantic BioPharmaceuticals

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
06727- 	US 3 REPLY	22-Apr-2003	PTC	PTC	02-Jul-2003	Met on: _____ Extend to _____ By: _____
Title: 						
Matter Name: _____						
Comments: drawings						

06727- 	US 3 ISSUE FEE DUE	22-Apr-2003	PTC	PTC	02-Jul-2003	Met on: _____ Extend to _____ By: _____
Title: 						
Matter Name: _____						
Comments: _____						

Due Date List by Client

Client: 07678

Profigen

#Name?

#Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
07678-077	US 2 PETITION TO REVIVE	02-Jun-2003	JDD	02-Jul-2003		Met on: _____ Extend to _____ By: _____
		NOTICE OF ABANDONMENT	JDD	Reminder		

Title: [REDACTED]

Matter Name:

Comments:

07678-077	US 6 REPLY SM EXT	02-Jan-2003	PTC	JDD	MHE	02-Jul-2003	Met on: _____ Extend to _____ By: _____
		OFFICE ACTION	MJB	Final			

Title: [REDACTED]

Matter Name:

Comments:

07678-077	US 2 POSTCARD	15-Nov-2000	PTC	JDD	JNT	02-Jul-2003	Met on: _____ Extend to _____ By: _____
		PRELIMINARY AMENDMENT	JNT	Reminder			

Title: [REDACTED]

Matter Name:

Comments:

Client: 08338 Exogen

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
08338	US 7 NOTICE REGARDING CHANGE OF POA	02-Jul-2003 NOTICE REGARDING CHANGE OF POA	KBB KBB MJB MJB	02-Jul-2003 Due Date		

Title:

Matter Name:

Comments:

Met on: _____
Extend to _____
By: _____

Tuesday, September 23, 2003

Due Date List by Client

Page: 14

Client: 08582 NeuroVir

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/ Atty(s)	Date Type	Final Deadline	Action Taken
		Action	Base Date					
08582	WO 1 FILING RECEIPT	02-Apr-2003	PTC	SMM	SMM	02-Jul-2003	09-Apr-2004	
		02-Apr-2003	PTC	SMM	SMM	02-Jul-2003	09-Apr-2004	
		02-Apr-2003	PTC	SMM	SMM	02-Jul-2003	09-Apr-2004	

Title:

Matter Name:

Comments:

Met on: _____
Extend to _____
By: _____

Client: 50026 Shimizu Patent Office

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action	Base Date/	Atty(s)	Date Type	Deadline	
50026	US 1 File Petition to Correct	02-May-2003	PTC	JDD	02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV					
		Reminder					

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Client: 50045 Variagenics and Pharmacia #Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Date Type	Final	Deadline	Action Taken
50045-EP 1	Translation-DE 2M EXT	02-Jan-2003	KLE	KLE	KLE	KLE	02-Jul-2003	Final			Met on: _____ Extend to: _____ By: _____

Title: [REDACTED]

Matter Name: [REDACTED]

Comments: [REDACTED]

50045-EP 1	GRANT/PRINTING FEES 2M EXT	02-Jan-2003	KLE	KLE	KLE	KLE	02-Jul-2003	Final			Met on: _____ Extend to: _____ By: _____
------------	----------------------------	-------------	-----	-----	-----	-----	-------------	-------	--	--	--

Title: [REDACTED]

Matter Name: [REDACTED]

Comments: [REDACTED]

50045-EP 1	Translation-FR 2M EXT	02-Jan-2003	KLE	KLE	KLE	KLE	02-Jul-2003	Final			Met on: _____ Extend to: _____ By: _____
------------	-----------------------	-------------	-----	-----	-----	-----	-------------	-------	--	--	--

Title: [REDACTED]

Matter Name: [REDACTED]

Comments: [REDACTED]

Due Date List by Client

Tuesday, September 23, 2003

#Name?

#Name?

Client: 50045 Variagenics and Pharmacia

Matter Number	Reason for Date	Action Type		Other	Due Date/ Atty(s)	Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty				
50045	EP 1	Reply re Validation States 2M	02-Jan-2003	KLE	KLE	02-Jul-2003	Final	
		EP-Mention Grant			KLE			

Met on: _____
Extend to _____
By: _____

Title:

Matter Name:

Comments:

Due Date List by Client

Tuesday, September 23, 2003

#Name? #Name?

Client: 50079 InfiMed, Inc.

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action Base Date/	Att(s)				
50079	CN 2 ASSIGNMENT	02-Apr-2003	JJE	JJE	02-Jul-2003		
		ASSOCIATES LETTER (FORMALITIE	JJE		Reminder		

Met on:	_____
Extend to	_____
By:	_____

Title:

Matter Name:

Comments:

Tuesday, September 23, 2003

Due Date List by Client

Page: 20

Client: 50082 Viron

#Name? #Name?

Matter Number	Reason for Date	Action Type			Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty				
50082-0	EP 2 REPLY	05-Jun-2003	KBB	KBB	MHE	02-Jul-2003		

ASSOCIATE'S LETTER (SUBSTANTIV

Due Date

Met on: _____
Extend to _____
By: _____

Title:

Matter Name:

Comments:

Client: 50098 Phoenix International

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Attty(s)	Date Type	Deadline	
50098	US 1 REPLY 4M EXT	02-Jan-2003	PTC	PTC	02-Jul-2003	
		NOTICE TO FILE MISSING PARTS	PTC	Final		

Met on:	_____
Extend to	_____
By:	_____

Title:


Matter Name:

Comments:

Due Date List by Client

#Name? #Name?

Client: 50111 Caprion Pharmaceuticals

Matter Number	Reason for Date	Action Type	Action Base Date/Bill	Atty	Super	Atty	Other	Due Date/	Due Date/	Final	Action Taken
								Atty(s)	Date Type	Deadline	
50111	US 1 POSTCARD	02-Jul-2003	KLE	JDD	KH	02-Jul-2003	KH	Due Date			
		Not in correct notice of recor									
											

Title:

Matter Name:

Comments:

Met on:



Extend to

By:



Due Date List by Client

Client: 50146 Becker & Associates



#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
50146- 	US 1 Filing Due	02-Jul-2002	KBB KBB	RTA 02-Jul-2003	Final	Met on: _____ Extend to: _____ By: _____
Title: 						

Matter Name:
Comments:

50146- 	US 1 Foreign Filing Due	02-Jul-2002	KBB KBB	RTA 02-Jul-2003	Final	Met on: _____ Extend to: _____ By: _____
Title: 						

Matter Name:
Comments:

50146- 	US 1 CONVENTION APPLICATION	02-Jul-2002	KBB KBB	RTA 02-Jul-2003	Final	Met on: _____ Extend to: _____ By: _____
Title: 						

Matter Name:
Comments:


Tuesday, September 23, 2003

Due Date List by Client

Page: 24


Client: 50146 Becker & Associates

#Name? #Name?

Matter Number		Reason for Date	Action Type		Other	Due Date/	Final	Deadline	Action Taken
			Action Base Date/	Bill Atty	Super Atty	Atty(s)	Date Type		
50146- 	US 1	UTILITY APPLICATION	02-Jul-2002	KBB	KBB	RTA	02-Jul-2003		
			PROVISIONAL APPLICATION			RTA	Final		

Met on:	_____
Extend to	_____
By:	_____

Title: 

Matter Name: 


Comments: 

Due Date List by Client

Tuesday, September 23, 2003

Client: 50150 ActivBiotics


#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Date Type	Final Deadline	Action Taken
50150- 	US 3 REPLY	02-Jun-2003	KLE	KLE	KLE	MJB	02-Jul-2003	Reminder	02-Dec-2003	Met on: _____ Extend to _____ By: _____

Title: 

Matter Name:

Comments:

50150- 	WO 2 REPLY	02-May-2003	KLE	KLE	KLE	MJB	02-Jul-2003	Extended Due Date		Met on: _____ Extend to _____ By: _____
--	---------------	-------------	-----	-----	-----	-----	-------------	-------------------	--	---

Title: 

Matter Name:

Comments:

Due Date List by Client

Client: 50154 Hubbell, Jeffrey A.

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other		Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty	Atty(s)			
50154	US 2 IDS	02-Apr-2003	KBB	KBB	JCM	02-Jul-2003		
		PRIOR ART CITED IN			JCM	Due Date		
		COUNTERPART						

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Client: 50164 CombinatoRx

#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Final	Action Taken
50164- [REDACTED]	US 1 UTILITY APPLICATION	02-Jul-2002	PTC	PTC	JML	02-Jul-2003	Final		Met on: _____ Extend to: _____ By: _____
Title: [REDACTED]									

Matter Name:

Comments:

50164- [REDACTED]	US 2 11M FAX	02-Aug-2002	PTC	PTC	MJB	02-Jul-2003	Due Date		Met on: _____ Extend to: _____ By: _____
Title: [REDACTED]									

Title:

Matter Name:

Comments:

50164- [REDACTED]	US 2 11M FAX	02-Aug-2002	PTC	PTC	PTC	02-Jul-2003	Due Date		Met on: _____ Extend to: _____ By: _____
Title: [REDACTED]									

Title:


Matter Name:

Comments:

Due Date List by Client

#Name? #Name?

Client: 50164 CombinatoRx

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/Bill Atty	Super Atty	Atty(s)	Date Type	Deadline
50164- 	US 2 11M FAX	02-Aug-2002	PTC	PTC	MJB	02-Jul-2003
		PROVISIONAL APPLICATION	JL	JL		Due Date

Title: 

Matter Name:

Comments:

Met on: _____
 Extend to _____
 By: _____

Due Date List by Client

#Name? #Name?

Client: 50206 The G.L. Company

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty	Super Atty	Atty(s)	Deadline
50206	TW 1 REPLY	20-Jun-2003	PTC	PTC	ACK	02-Jul-2003
		ASSOCIATE'S LETTER (SUBSTANTIV				
		Final				

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Client: 50218 Fahri Saatcioglu

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Base Date/Bill	Atty	Atty(s)	Date Type	Deadline
50218- [REDACTED]	EP 2 Request Examination	02-Jan-2003	KBB	KBB	MJB	02-Jul-2003
Request Examination						
[REDACTED]						

Met on:	_____
Extend to	_____
By:	_____

Title:

Matter Name:

Comments:

Tuesday, September 23, 2003

Due Date List by Client

Page: 34

#Name? #Name?

Client: 50247 VIRTUAL DRUG DEVELOPMENT, INC.

Matter Number	Reason for Date	Action Type		Other		Due Date/		Final	Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty	Atty(s)	Date Type	Date Type			
50247-1	CN 1 ISSUE FEE DUE	13-May-2003	PTC	JDD	JCM	02-Jul-2003	Final			
ASSOCIATE'S LETTER (SUBSTANTIV JCM Final)										

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Client: 50274 H3 Pharma Inc.

#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Date Type	Final	Deadline	Action Taken
50274-EP 2	REPLY 1M EXT	12-Feb-2003	KBB	KBB	JNT	JNT	02-Jul-2003	Final			
		EXAMINATION REPORT									
		[REDACTED]									

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Due Date List by Client

Tuesday, September 23, 2003

#Name? #Name?

Client: 50290 Zimmerman & Partners

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action	Base Date/	Atty(s)	Date Type	Deadline	
50290	US 1 Fwd. Certificate of Correction	02-Dec-2002	KLE	KLE	02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV	KLE	Reminder			

Met on:	
Extend to	
By:	

[REDACTED]

Title:
Matter Name:
Comments:

Tuesday, September 23, 2003

Due Date List by Client

Page: 38

Client: 50291 Neurochem, Inc.

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty				
50291	US 1 REPLY 3M EXT	02-Jan-2003	KLE	SMM	KH 02-Jul-2003		
		OFFICE ACTION			KH Final		

Met on: _____
Extend to _____
By: _____

Title:

Matter Name:

Comments:

